

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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**WILLIAM WASHINGTON, MELVIN
MITCHELL, MICHAEL BRANCH, and
HORACE GAINES,**

Plaintiffs,

- against -

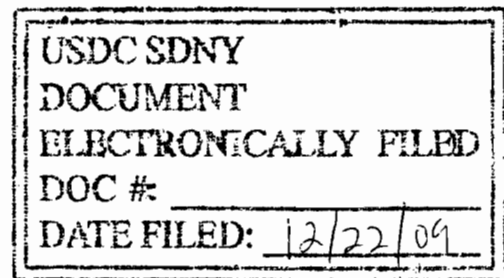
**CITY OF NEW YORK DEPARTMENT
OF CORRECTION,**

Defendant.
----- X

SHIRA A. SCHEINDLIN, U.S.D.J.:

In an Order dated August 18, 2009, the Court directed plaintiffs to “have the summons and complaint promptly served on the defendant by filling out and forwarding to the U.S. Marshal the forms provided to plaintiffs by the Pro Se Office.”¹ Plaintiffs failed to follow the Court’s unambiguous instructions. Rather, on December 5, 2009, plaintiffs mailed a letter to the Pro Se Office asking that office to “[c]onvey the summons and complaint to the U.S. Marshal, in congruence with” the Court’s August 18 Order. Service of the summons and complaint on defendant has yet to be perfected, despite the fact that the complaint was filed

¹ Document Number 11 (citing Federal Rule of Civil Procedure 4(m)).



ORDER

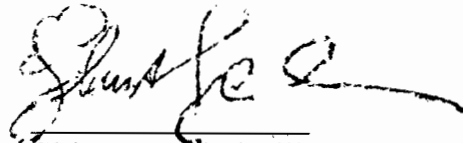
08 Civ. 5978 (SAS)

nearly a year and half ago.

To be crystal clear, (1) plaintiffs themselves are to fill out the forms provided by the Pro Se Office;² and (2) plaintiffs themselves are to forward the completed forms to the U.S. Marshal for service on defendant. If service is not made upon the defendant or plaintiffs fail to show good cause why such service had not been effected by January 18, 2010, the Court will dismiss the action.

The Pro Se Clerk at the United States Courthouse, 500 Pearl Street, New York, New York, telephone number (212) 805-0175, may be of assistance in connection with court procedures but cannot provide legal advice.

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Shira A. Scheindlin', written over a horizontal line.

Shira A. Scheindlin
U.S.D.J.

Date: December 22, 2009
New York, New York

² The Pro Se Office is directed to issue to plaintiffs all papers necessary for service of the summons and complaint. Plaintiffs' obligations spelled out in this Order are in no way altered by the Court's directive to the Pro Se Office.

– Appearances –

Plaintiffs (Pro Se):

William Washington
09-A-4149
Downstate Correctional Facility
Red Schoolhouse Road
P.O. Box 445
Fishkill, New York 12524

Melvin Mitchell
09-A-0593
Wyoming Correctional Facility
P.O. Box 501
Attica, New York 14011

Michael Branch
Present address unknown

Horace Gaines
91-A-8529
Present address unknown